

AMENDED IN ASSEMBLY MAY 12, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2668

Introduced by Assembly Member Mullin

February 19, 2016

An act to amend Section 69.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL’S DIGEST

AB 2668, as amended, Mullin. Property taxation: base year value transfers.

(1) The California Constitution authorizes the Legislature to provide that a person who is either severely disabled or over 55 years of age may transfer the base year value, as defined, of property that is eligible for the homeowners’ property tax exemption to a replacement dwelling that is of equal or lesser value located within the same county as the property from which the base year value is transferred, provided the replacement dwelling is purchased or newly constructed within 2 years of the sale of the original property, subject to certain conditions.

This bill would provide, commencing with the 2017–18 fiscal year, that the base year value of an original property may be transferred to a replacement dwelling that is of greater ~~value~~, *value* and would require the base year value of the replacement dwelling to be calculated by adding the difference between the full cash value of the original property and the full cash value of the replacement property to the base year value of the original property. *The bill would prohibit a person from transferring the base year value of the original property to a replacement dwelling pursuant to these provisions if his or her*

household income, as defined, exceeds the area median income of the county.

(2) Existing law defines “full cash value of the replacement dwelling” for purposes of this transfer of property tax base year value to mean the replacement dwelling’s full cash value, determined in accordance with a specified provision, as of the date on which the replacement dwelling was purchased or new construction was completed.

This bill would provide that full cash value of the replacement dwelling may also mean, in specified circumstances, the replacement dwelling’s full-cash value, determined in accordance with a specified provision, as of the date on which the original property is sold.

(3) By changing the manner in which local assessors assess property for property taxation purposes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(4) Section 2229 of the Revenue and Taxation Code requires the Legislature to reimburse local agencies annually for certain property tax revenues lost as a result of any exemption or classification of property for purposes of ad valorem property taxation.

This bill would provide that, notwithstanding Section 2229 of the Revenue and Taxation Code, no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to the bill.

(5) This bill would take effect immediately as a tax levy, but would become operative only if ~~Senate Constitutional Amendment 9~~ ACA 12 of the ~~2015-16~~ 2015–16 Regular Session is approved by the voters.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 69.5 of the Revenue and Taxation Code
2 is amended to read:

69.5. (a) (1) Notwithstanding any other provision of law, pursuant to subdivision (a) of Section 2 of Article XIII A of the California Constitution, any person over the age of 55 years, or any severely and permanently disabled person, who resides in property that is eligible for the homeowners' exemption under subdivision (k) of Section 3 of Article XIII of the California Constitution and Section 218 may transfer, subject to the conditions and limitations provided in this section, the base year value of that property in both of the following circumstances:

(A) To any replacement dwelling of equal or lesser value that is located within the same county and is purchased or newly constructed by that person as his or her principal residence within two years of the sale by that person of the original property, provided that the base year value of the original property shall not be transferred to the replacement dwelling until the original property is sold.

(B) (i) ~~To~~ *Subject to the limitation in clause (ii), to any replacement dwelling of greater value that is located within the same county and is purchased or newly constructed by that person as his or her principal place of residence within two years of the sale by that person of the original property, provided that the base year value of the original property shall not be transferred to the replacement dwelling until the original property is sold. The base year value of the replacement dwelling shall be calculated by adding the difference between the full cash value of the original property and the full cash value of the replacement dwelling to the base year value of the original property.*

(ii) *A person shall not transfer the base year value of the original property to a replacement dwelling pursuant to this subparagraph if his or her household income, as defined in Section 20504, exceeds the area median income of the county.*

(2) Notwithstanding the limitation in paragraph (1) requiring that the original property and the replacement dwelling be located in the same county, this limitation shall not apply in any county in which the county board of supervisors, after consultation with local affected agencies within the boundaries of the county, adopts an ordinance making the provisions of paragraph (1) also applicable to situations in which replacement dwellings are located in that county and the original properties are located in another county within this state. The authorization contained in this paragraph

1 shall be applicable in a county only if the ordinance adopted by
2 the board of supervisors complies with all of the following
3 requirements:

4 (A) It is adopted only after consultation between the board of
5 supervisors and all other local affected agencies within the county's
6 boundaries.

7 (B) It requires that all claims for transfers of base year value
8 from original property located in another county be granted if the
9 claims meet the applicable requirements of both subdivision (a)
10 of Section 2 of Article XIII A of the California Constitution and
11 this section.

12 (C) It requires that all base year valuations of original property
13 located in another county and determined by its assessor be
14 accepted in connection with the granting of claims for transfers of
15 base year value.

16 (D) It provides that its provisions are operative for a period of
17 not less than five years.

18 (E) The ordinance specifies the date on and after which its
19 provisions shall be applicable. However, the date specified shall
20 not be earlier than November 9, 1988. The specified applicable
21 date may be a date earlier than the date the county adopts the
22 ordinance.

23 (b) In addition to meeting the requirements of subdivision (a),
24 any person claiming the property tax relief provided by this section
25 shall be eligible for that relief only if the following conditions are
26 met:

27 (1) The claimant is an owner and a resident of the original
28 property either at the time of its sale, or at the time when the
29 original property was substantially damaged or destroyed by
30 misfortune or calamity, or within two years of the purchase or new
31 construction of the replacement dwelling.

32 (2) The original property is eligible for the homeowners'
33 exemption, as the result of the claimant's ownership and occupation
34 of the property as his or her principal residence, either at the time
35 of its sale, or at the time when the original property was
36 substantially damaged or destroyed by misfortune or calamity, or
37 within two years of the purchase or new construction of the
38 replacement dwelling.

1 (3) At the time of the sale of the original property, the claimant
2 or the claimant's spouse who resides with the claimant is at least
3 55 years of age, or is severely and permanently disabled.

4 (4) At the time of claiming the property tax relief provided by
5 subdivision (a), the claimant is an owner of a replacement dwelling
6 and occupies it as his or her principal place of residence and, as a
7 result thereof, the property is currently eligible for the homeowners'
8 exemption or would be eligible for the exemption except that the
9 property is already receiving the exemption because of an
10 exemption claim filed by the previous owner.

11 (5) The original property of the claimant is sold by him or her
12 within two years of the purchase or new construction of the
13 replacement dwelling. For purposes of this paragraph, the purchase
14 or new construction of the replacement dwelling includes the
15 purchase of that portion of land on which the replacement building,
16 structure, or other shelter constituting a place of abode of the
17 claimant will be situated and that, pursuant to paragraph (3) of
18 subdivision (g), constitutes a part of the replacement dwelling.

19 (6) Except as otherwise provided in paragraph (2) of subdivision
20 (a), the replacement dwelling, including that portion of land on
21 which it is situated that is specified in paragraph (5), is located
22 entirely within the same county as the claimant's original property.

23 (7) The claimant has not previously been granted, as a claimant,
24 the property tax relief provided by this section, except that this
25 paragraph shall not apply to any person who becomes severely
26 and permanently disabled subsequent to being granted, as a
27 claimant, the property tax relief provided by this section for any
28 person over the age of 55 years. In order to prevent duplication of
29 claims under this section within this state, county assessors shall
30 report quarterly to the State Board of Equalization that information
31 from claims filed in accordance with subdivision (f) and from
32 county records as is specified by the board necessary to identify
33 fully all claims under this section allowed by assessors and all
34 claimants who have thereby received relief. The board may specify
35 that the information include all or a part of the names and social
36 security numbers of claimants and their spouses and the identity
37 and location of the replacement dwelling to which the claim
38 applies. The information may be required in the form of data
39 processing media or other media and in a format that is compatible

1 with the recordkeeping processes of the counties and the auditing
2 procedures of the state.

3 (c) The property tax relief provided by this section shall be
4 available if the original property or the replacement dwelling, or
5 both, of the claimant includes, but is not limited to, either of the
6 following:

7 (1) A unit or lot within a cooperative housing corporation, a
8 community apartment project, a condominium project, or a planned
9 unit development. If the unit or lot constitutes the original property
10 of the claimant, the assessor shall transfer to the claimant's
11 replacement dwelling only the base year value of the claimant's
12 unit or lot and his or her share in any common area reserved as an
13 appurtenance of that unit or lot. If the unit or lot constitutes the
14 replacement dwelling of the claimant, the assessor shall transfer
15 the base year value of the claimant's original property only to the
16 unit or lot of the claimant and any share of the claimant in any
17 common area reserved as an appurtenance of that unit or lot.

18 (2) A manufactured home or a manufactured home and any land
19 owned by the claimant on which the manufactured home is situated.
20 For purposes of this paragraph, "land owned by the claimant"
21 includes a pro rata interest in a resident-owned mobilehome park
22 that is assessed pursuant to subdivision (b) of Section 62.1.

23 (A) If the manufactured home or the manufactured home and
24 the land on which it is situated constitutes the claimant's original
25 property, the assessor shall transfer to the claimant's replacement
26 dwelling either the base year value of the manufactured home or
27 the base year value of the manufactured home and the land on
28 which it is situated, as appropriate. If the manufactured home
29 dwelling that constitutes the original property of the claimant
30 includes an interest in a resident-owned mobilehome park, the
31 assessor shall transfer to the claimant's replacement dwelling the
32 base year value of the claimant's manufactured home and his or
33 her pro rata portion of the real property of the park. No transfer of
34 base year value shall be made by the assessor of that portion of
35 land that does not constitute a part of the original property, as
36 provided in paragraph (4) of subdivision (g).

37 (B) If the manufactured home or the manufactured home and
38 the land on which it is situated constitutes the claimant's
39 replacement dwelling, the assessor shall transfer the base year
40 value of the claimant's original property either to the manufactured

1 home or the manufactured home and the land on which it is
2 situated, as appropriate. If the manufactured home dwelling that
3 constitutes the replacement dwelling of the claimant includes an
4 interest in a resident-owned mobilehome park, the assessor shall
5 transfer the base year value of the claimant's original property to
6 the manufactured home of the claimant and his or her pro rata
7 portion of the park. No transfer of base year value shall be made
8 by the assessor to that portion of land that does not constitute a
9 part of the replacement dwelling, as provided in paragraph (3) of
10 subdivision (g).

11 This subdivision shall be subject to the limitations specified in
12 subdivision (d).

13 (d) The property tax relief provided by this section shall be
14 available to a claimant who is the coowner of the original property,
15 as a joint tenant, a tenant in common, a community property owner,
16 or a present beneficiary of a trust subject to the following
17 limitations:

18 (1) If a single replacement dwelling is purchased or newly
19 constructed by all of the coowners and each coowner retains an
20 interest in the replacement dwelling, the claimant shall be eligible
21 under this section whether or not any or all of the remaining
22 coowners would otherwise be eligible claimants.

23 (2) If two or more replacement dwellings are separately
24 purchased or newly constructed by two or more coowners and
25 more than one coowner would otherwise be an eligible claimant,
26 only one coowner shall be eligible under this section. These
27 coowners shall determine by mutual agreement which one of them
28 shall be deemed eligible.

29 (3) If two or more replacement dwellings are separately
30 purchased or newly constructed by two coowners who held the
31 original property as community property, only the coowner who
32 has attained the age of 55 years, or is severely and permanently
33 disabled, shall be eligible under this section. If both spouses are
34 over 55 years of age, they shall determine by mutual agreement
35 which one of them is eligible.

36 In the case of coowners whose original property is a multiunit
37 dwelling, the limitations imposed by paragraphs (2) and (3) shall
38 only apply to coowners who occupied the same dwelling unit
39 within the original property at the time specified in paragraph (2)
40 of subdivision (b).

(e) Upon the sale of original property, the assessor shall determine a new base year value for that property in accordance with subdivision (a) of Section 2 of Article XIII A of the California Constitution and Section 110.1, whether or not a replacement dwelling is subsequently purchased or newly constructed by the former owner or owners of the original property.

This section shall not apply unless the transfer of the original property is a change in ownership that either (1) subjects that property to reappraisal at its current fair market value in accordance with Section 110.1 or 5803 or (2) results in a base year value determined in accordance with this section, Section 69, or Section 69.3 because the property qualifies under this section, Section 69, or Section 69.3 as a replacement dwelling or property.

(f) (1) A claimant shall not be eligible for the property tax relief provided by this section unless the claimant provides to the assessor, on a form that shall be designed by the State Board of Equalization and that the assessor shall make available upon request, the following information:

(A) The name and social security number of each claimant and of any spouse of the claimant who is a record owner of the replacement dwelling.

(B) Proof that the claimant or the claimant's spouse who resided on the original property with the claimant was, at the time of its sale, at least 55 years of age, or severely and permanently disabled. Proof of severe and permanent disability shall be considered a certification, signed by a licensed physician and surgeon of appropriate specialty, attesting to the claimant's severely and permanently disabled condition. In the absence of available proof that a person is over 55 years of age, the claimant shall certify under penalty of perjury that the age requirement is met. In the case of a severely and permanently disabled claimant either of the following shall be submitted:

(i) A certification, signed by a licensed physician or surgeon of appropriate specialty that identifies specific reasons why the disability necessitates a move to the replacement dwelling and the disability-related requirements, including any locational requirements, of a replacement dwelling. The claimant shall substantiate that the replacement dwelling meets disability-related requirements so identified and that the primary reason for the move to the replacement dwelling is to satisfy those requirements. If the

1 claimant, or the claimant's spouse or guardian, so declares under
2 penalty of perjury, it shall be rebuttably presumed that the primary
3 purpose of the move to the replacement dwelling is to satisfy
4 identified disability-related requirements.

5 (ii) The claimant's substantiation that the primary purpose of
6 the move to the replacement dwelling is to alleviate financial
7 burdens caused by the disability. If the claimant, or the claimant's
8 spouse or guardian, so declares under penalty of perjury, it shall
9 be rebuttably presumed that the primary purpose of the move is
10 to alleviate the financial burdens caused by the disability.

11 (C) The address and, if known, the assessor's parcel number of
12 the original property.

13 (D) The date of the claimant's sale of the original property and
14 the date of the claimant's purchase or new construction of a
15 replacement dwelling.

16 (E) A statement by the claimant that he or she occupied the
17 replacement dwelling as his or her principal place of residence on
18 the date of the filing of his or her claim.

19 (F) Any claim under this section shall be filed within three years
20 of the date the replacement dwelling was purchased or the new
21 construction of the replacement dwelling was completed subject
22 to subdivision (k) or (m).

23 (2) A claim for transfer of base year value under this section
24 that is filed after the expiration of the filing period set forth in
25 subparagraph (F) of paragraph (1) shall be considered by the
26 assessor, subject to all of the following conditions:

27 (A) Any base year value transfer granted pursuant to that claim
28 shall apply commencing with the lien date of the assessment year
29 in which the claim is filed.

30 (B) The full cash value of the replacement property in the
31 assessment year described in subparagraph (A) shall be the base
32 year value of the real property in the assessment year in which the
33 base year value was transferred, factored to the assessment year
34 described in subparagraph (A) for both of the following:

35 (i) Inflation as annually determined in accordance with
36 paragraph (1) of subdivision (a) of Section 51.

37 (ii) Any subsequent new construction occurring with respect to
38 the subject real property that does not qualify for property tax relief
39 pursuant to the criteria set forth in subparagraphs (A) and (B) of
40 paragraph (4) of subdivision (h).

1 (g) For purposes of this section:

2 (1) “Person over the age of 55 years” means any person or the
3 spouse of any person who has attained the age of 55 years or older
4 at the time of the sale of the original property.

5 (2) “Base year value of the original property” means its base
6 year value, as determined in accordance with Section 110.1, with
7 the adjustments permitted by subdivision (b) of Section 2 of Article
8 XIII A of the California Constitution and subdivision (f) of Section
9 110.1, determined as of the date immediately prior to the date that
10 the original property is sold by the claimant, or in the case where
11 the original property has been substantially damaged or destroyed
12 by misfortune or calamity and the owner does not rebuild on the
13 original property, determined as of the date immediately prior to
14 the misfortune or calamity.

15 If the replacement dwelling is purchased or newly constructed
16 after the transfer of the original property, “base year value of the
17 original property” also includes any inflation factor adjustments
18 permitted by subdivision (f) of Section 110.1 for the period
19 subsequent to the sale of the original property. The base year or
20 years used to compute the “base year value of the original property”
21 shall be deemed to be the base year or years of any property to
22 which that base year value is transferred pursuant to this section.

23 (3) “Replacement dwelling” means a building, structure, or
24 other shelter constituting a place of abode, whether real property
25 or personal property, that is owned and occupied by a claimant as
26 his or her principal place of residence, and any land owned by the
27 claimant on which the building, structure, or other shelter is
28 situated. For purposes of this paragraph, land constituting a part
29 of a replacement dwelling includes only that area of reasonable
30 size that is used as a site for a residence, and “land owned by the
31 claimant” includes land for which the claimant either holds a
32 leasehold interest described in subdivision (c) of Section 61 or a
33 land purchase contract. Each unit of a multiunit dwelling shall be
34 considered a separate replacement dwelling. For purposes of this
35 paragraph, “area of reasonable size that is used as a site for a
36 residence” includes all land if any nonresidential uses of the
37 property are only incidental to the use of the property as a
38 residential site. For purposes of this paragraph, “land owned by
39 the claimant” includes an ownership interest in a resident-owned

1 mobilehome park that is assessed pursuant to subdivision (b) of
2 Section 62.1.

3 (4) “Original property” means a building, structure, or other
4 shelter constituting a place of abode, whether real property or
5 personal property, that is owned and occupied by a claimant as his
6 or her principal place of residence, and any land owned by the
7 claimant on which the building, structure, or other shelter is
8 situated. For purposes of this paragraph, land constituting a part
9 of the original property includes only that area of reasonable size
10 that is used as a site for a residence, and “land owned by the
11 claimant” includes land for which the claimant either holds a
12 leasehold interest described in subdivision (c) of Section 61 or a
13 land purchase contract. Each unit of a multiunit dwelling shall be
14 considered a separate original property. For purposes of this
15 paragraph, “area of reasonable size that is used as a site for a
16 residence” includes all land if any nonresidential uses of the
17 property are only incidental to the use of the property as a
18 residential site. For purposes of this paragraph, “land owned by
19 the claimant” includes an ownership interest in a resident-owned
20 mobilehome park that is assessed pursuant to subdivision (b) of
21 Section 62.1.

22 (5) “Equal or lesser value” means that the amount of the full
23 cash value of a replacement dwelling does not exceed one of the
24 following:

25 (A) One hundred percent of the amount of the full cash value
26 of the original property if the replacement dwelling is purchased
27 or newly constructed prior to the date of the sale of the original
28 property.

29 (B) One hundred five percent of the amount of the full cash
30 value of the original property if the replacement dwelling is
31 purchased or newly constructed within the first year following the
32 date of the sale of the original property.

33 (C) One hundred ten percent of the amount of the full cash value
34 of the original property if the replacement dwelling is purchased
35 or newly constructed within the second year following the date of
36 the sale of the original property.

37 For the purposes of this paragraph, except as otherwise provided
38 in paragraph (4) of subdivision (h), if the replacement dwelling is,
39 in part, purchased and, in part, newly constructed, the date the
40 “replacement dwelling is purchased or newly constructed” is the

1 date of purchase or the date of completion of construction,
2 whichever is later.

3 (6) “Full cash value of the replacement dwelling” means either
4 of the following:

5 (A) Its full cash value, determined in accordance with Section
6 110.1, as of the date on which it was purchased or new construction
7 was completed, and after the purchase or the completion of new
8 construction.

9 (B) In the case where the replacement dwelling is purchased or
10 newly constructed prior to the date of the sale of the original
11 property and the full cash *value* of the replacement dwelling as
12 determined in accordance with subparagraph (A) exceeds its full
13 cash value as determined in accordance with Section 110 as of the
14 date the original property is sold, its full cash value means its full
15 cash value as determined in accordance with Section 110 as of the
16 date the original property is sold.

17 (7) “Full cash value of the original property” means either of
18 the following:

19 (A) Its new base year value, determined in accordance with
20 subdivision (e), without the application of subdivision (h) of
21 Section 2 of Article XIII A of the California Constitution, plus the
22 adjustments permitted by subdivision (b) of Section 2 of Article
23 XIII A and subdivision (f) of Section 110.1 for the period from the
24 date of its sale by the claimant to the date on which the replacement
25 property was purchased or new construction was completed.

26 (B) In the case where the original property has been substantially
27 damaged or destroyed by misfortune or calamity and the owner
28 does not rebuild on the original property, its full cash value, as
29 determined in accordance with Section 110, immediately prior to
30 its substantial damage or destruction by misfortune or calamity,
31 as determined by the county assessor of the county in which the
32 property is located, without the application of subdivision (h) of
33 Section 2 of Article XIII A of the California Constitution, plus the
34 adjustments permitted by subdivision (b) of Section 2 of Article
35 XIII A of the California Constitution and subdivision (f) of Section
36 110.1, for the period from the date of its sale by the claimant to
37 the date on which the replacement property was purchased or new
38 construction was completed.

39 (8) “Sale” means any change in ownership of the original
40 property for consideration.

1 (9) "Claimant" means any person claiming the property tax
2 relief provided by this section. If a spouse of that person is a record
3 owner of the replacement dwelling, the spouse is also a claimant
4 for purposes of determining whether in any future claim filed by
5 the spouse under this section the condition of eligibility specified
6 in paragraph (7) of subdivision (b) has been met.

7 (10) "Property that is eligible for the homeowners' exemption"
8 includes property that is the principal place of residence of its
9 owner and is entitled to exemption pursuant to Section 205.5.

10 (11) "Person" means any individual, but does not include any
11 firm, partnership, association, corporation, company, or other legal
12 entity or organization of any kind. "Person" includes an individual
13 who is the present beneficiary of a trust.

14 (12) "Severely and permanently disabled" means any person
15 described in subdivision (b) of Section 74.3.

16 (13) For the purposes of this section, property is "substantially
17 damaged or destroyed by misfortune or calamity" if either the land
18 or the improvements sustain physical damage amounting to more
19 than 50 percent of either the land's or the improvement's full cash
20 value immediately prior to the misfortune or calamity. Damage
21 includes a diminution in the value of property as a result of
22 restricted access to the property where the restricted access was
23 caused by the misfortune or calamity and is permanent in nature.

24 (h) (1) Upon the timely filing of a claim described in
25 subparagraph (F) of paragraph (1) of subdivision (f), the assessor
26 shall adjust the new base year value of the replacement dwelling
27 in conformity with this section. This adjustment shall be made as
28 of the latest of the following dates:

29 (A) The date the original property is sold.

30 (B) The date the replacement dwelling is purchased.

31 (C) The date the new construction of the replacement dwelling
32 is completed.

33 (2) Any taxes that were levied on the replacement dwelling prior
34 to the filing of the claim on the basis of the replacement dwelling's
35 new base year value, and any allowable annual adjustments thereto,
36 shall be canceled or refunded to the claimant to the extent that the
37 taxes exceed the amount that would be due when determined on
38 the basis of the adjusted new base year value.

39 (3) Notwithstanding Section 75.10, Chapter 3.5 (commencing
40 with Section 75) shall be utilized for purposes of implementing

1 this subdivision, including adjustments of the new base year value
2 of replacement dwellings acquired prior to the sale of the original
3 property.

4 (4) In the case where a claim under this section has been timely
5 filed and granted, and new construction is performed upon the
6 replacement dwelling subsequent to the transfer of base year value,
7 the property tax relief provided by this section also shall apply to
8 the replacement dwelling, as improved, and thus there shall be no
9 reassessment upon completion of the new construction if both of
10 the following conditions are met:

11 (A) The new construction is completed within two years of the
12 date of the sale of the original property and the owner notifies the
13 assessor in writing of completion of the new construction within
14 six months after completion.

15 (B) The fair market value of the new construction on the date
16 of completion, plus the full cash value of the replacement dwelling
17 on the date of acquisition, is not more than the full cash value of
18 the original property as determined pursuant to paragraph (7) of
19 subdivision (g) for purposes of granting the original claim.

20 (i) Any claimant may rescind a claim for the property tax relief
21 provided by this section and shall not be considered to have
22 received that relief for purposes of paragraph (7) of subdivision
23 (b), and the assessor shall grant the rescission, if a written notice
24 of rescission is delivered to the office of the assessor as follows:

25 (1) A written notice of rescission signed by the original filing
26 claimant or claimants is delivered to the office of the assessor in
27 which the original claim was filed.

28 (2) (A) Except as otherwise provided in this paragraph, the
29 notice of rescission is delivered to the office of the assessor before
30 the date that the county first issues, as a result of relief granted
31 under this section, a refund check for property taxes imposed upon
32 the replacement dwelling. If granting relief will not result in a
33 refund of property taxes, then the notice shall be delivered before
34 payment is first made of any property taxes, or any portion thereof,
35 imposed upon the replacement dwelling consistent with relief
36 granted under this section. If payment of the taxes is not made,
37 then notice shall be delivered before the first date that those
38 property taxes, or any portion thereof, imposed upon the
39 replacement dwelling, consistent with relief granted under this
40 section, are delinquent.

(B) Notwithstanding any other provision in this division, any time the notice of rescission is delivered to the office of the assessor within six years after relief was granted, provided that the replacement property has been vacated as the claimant's principal place of residence within 90 days after the original claim was filed, regardless of whether the property continues to receive the homeowners' exemption. If the rescission increases the base year value of a property, or the homeowners' exemption has been incorrectly allowed, appropriate escape assessments or supplemental assessments, including interest as provided in Section 506, shall be imposed. The limitations periods for any escape assessments or supplemental assessments shall not commence until July 1 of the assessment year in which the notice of rescission is delivered to the office of the assessor.

(3) The notice is accompanied by the payment of a fee as the assessor may require, provided that the fee shall not exceed an amount reasonably related to the estimated cost of processing a rescission claim, including both direct costs and developmental and indirect costs, such as costs for overhead, personnel, supplies, materials, office space, and computers.

(j) (1) With respect to the transfer of base year value of original properties to replacement dwellings located in the same county, this section, except as provided in paragraph (3) or (4), shall apply to any replacement dwelling that is purchased or newly constructed on or after November 6, 1986.

(2) With respect to the transfer of base year value of original properties to replacement dwellings located in different counties, except as provided in paragraph (4), this section shall apply to any replacement dwelling that is purchased or newly constructed on or after the date specified in accordance with subparagraph (E) of paragraph (2) of subdivision (a) in the ordinance of the county in which the replacement dwelling is located, but shall not apply to any replacement dwelling which was purchased or newly constructed before November 9, 1988.

(3) With respect to the transfer of base year value by a severely and permanently disabled person, this section shall apply only to replacement dwellings that are purchased or newly constructed on or after June 6, 1990.

(4) The amendments made to subdivision (e) by the act adding this paragraph shall apply only to replacement dwellings under

1 Section 69 that are acquired or newly constructed on or after
2 October 20, 1991, and shall apply commencing with the 1991–92
3 fiscal year.

4 (k) (1) In the case in which a county adopts an ordinance
5 pursuant to paragraph (2) of subdivision (a) that establishes an
6 applicable date that is more than three years prior to the date of
7 adoption of the ordinance, those potential claimants who purchased
8 or constructed replacement dwellings more than three years prior
9 to the date of adoption of the ordinance and who would, therefore,
10 be precluded from filing a timely claim, shall be deemed to have
11 timely filed a claim if the claim is filed within three years after the
12 date that the ordinance is adopted. This paragraph may not be
13 construed as a waiver of any other requirement of this section.

14 (2) In the case in which a county assessor corrects a base year
15 value to reflect a pro rata change in ownership of a resident-owned
16 mobilehome park that occurred between January 1, 1989, and
17 January 1, 2002, pursuant to paragraph (4) of subdivision (b) of
18 Section 62.1, those claimants who purchased or constructed
19 replacement dwellings more than three years prior to the correction
20 and who would, therefore, be precluded from filing a timely claim,
21 shall be deemed to have timely filed a claim if the claim is filed
22 within three years of the date of notice of the correction of the base
23 year value to reflect the pro rata change in ownership. This
24 paragraph may not be construed as a waiver of any other
25 requirement of this section.

26 (3) This subdivision does not apply to a claimant who has
27 transferred his or her replacement dwelling prior to filing a claim.

28 (4) The property tax relief provided by this section, but filed
29 under this subdivision, shall apply prospectively only, commencing
30 with the lien date of the assessment year in which the claim is
31 filed. There shall be no refund or cancellation of taxes prior to the
32 date that the claim is filed.

33 (l) No escape assessment may be levied if a transfer of base
34 year value under this section has been erroneously granted by the
35 assessor pursuant to an expired ordinance authorizing intercounty
36 transfers of base year value.

37 (m) (1) The amendments made to subdivisions (b) and (g) of
38 this section by Chapter 613 of the Statutes of 2001 shall apply:

39 (A) With respect to the transfer of base year value of original
40 properties to replacement dwellings located in the same county,

1 to any replacement dwelling that is purchased or newly constructed
2 on or after November 6, 1986.

3 (B) With respect to the transfer of base year value of original
4 properties to replacement dwellings located in different counties,
5 to any replacement dwelling that is purchased or newly constructed
6 on or after the date specified in accordance with subparagraph (E)
7 of paragraph (2) of subdivision (a) in the ordinance of the county
8 in which the replacement dwelling is located, but not to any
9 replacement dwelling that was purchased or newly constructed
10 before November 9, 1988.

11 (C) With respect to the transfer of base year value by a severely
12 and permanently disabled person, to replacement dwellings that
13 are purchased or newly constructed on or after June 6, 1990.

14 (2) The property tax relief provided by this section in accordance
15 with this subdivision shall apply prospectively only commencing
16 with the lien date of the assessment year in which the claim is
17 filed. There shall be no refund or cancellation of taxes prior to the
18 date that the claim is filed.

19 (n) A claim filed under this section is not a public document
20 and is not subject to public inspection, except that a claim shall be
21 available for inspection by the claimant or the claimant's spouse,
22 the claimant's or the claimant's spouse's legal representative, the
23 trustee of a trust in which the claimant or the claimant's spouse is
24 a present beneficiary, and the executor or administrator of the
25 claimant's or the claimant's spouse's estate.

26 (o) The amendments made to this section by Chapter 351 of the
27 Statutes of 2011 shall apply commencing with the lien date for the
28 2012–13 fiscal year.

29 (p) The amendments made to this section by ~~the act adding this~~
30 ~~subdivision~~ *Assembly Bill 2668 of the 2015-16 Regular Session*
31 *of the Legislature* shall apply commencing with the lien date for
32 the 2017–18 fiscal year.

33 SEC. 2. If the Commission on State Mandates determines that
34 this act contains costs mandated by the state, reimbursement to
35 local agencies and school districts for those costs shall be made
36 pursuant to Part 7 (commencing with Section 17500) of Division
37 4 of Title 2 of the Government Code.

38 SEC. 3. Notwithstanding Section 2229 of the Revenue and
39 Taxation Code, no appropriation is made by this act and the state

1 shall not reimburse any local agency for any property tax revenues
2 lost by it pursuant to this act.
3 SEC. 4. This act provides for a tax levy within the meaning
4 of Article IV of the Constitution and shall go into immediate effect.
5 However, the provisions of this act shall become operative only
6 if ~~Senate~~ *Assembly* Constitutional Amendment ~~9~~ *12* of the 2015–16
7 Regular Session is approved by the voters and, in that event, shall
8 become operative on January 1, 2017.

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